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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 OYSTER OPTICS, LLC,
16 Plaintiff,

17 vs.

18 CIENA CORPORATION,
19 Defendant.
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CASE NO. 4:17-cv-05920-JSW

**CIENA'S STATEMENT OF RECENT
DECISIONS**

Concurrently filed herewith is the parties' Joint Case Management Statement that, among other things, seeks to have the stay of this case lifted and certain administratively terminated motions restored to the calendar now that the *Ex Parte* Reexamination of U.S. Patent No. 7,520,327 is terminated. Pursuant to Civil Local Rule 7-3(d)(2), Ciena Corporation ("Ciena") respectfully submits the following subsequent authority as relevant to Ciena Corporation's Motion to Exclude the Opinions and Testimony of Plaintiff's Damages Expert Stephen Dell, Under Fed. R. 702 and *Daubert* (Dkt. No. 179) ("Ciena's Damages *Daubert* Motion"):

- *MLC Intellectual Property, LLC v. Micron Technology, Inc.*, 10 F.4th 1358 (Fed. Cir. 2021) (attached as Exhibit A);
- *Omega Patents LLC v. CalAmp Corp.*, 13 F.4th 1361 (Fed. Cir. 2021) (attached as Exhibit B); and
- *Apple Inc. v. Wi-LAN, Inc.*, 25 F.4th 960 (Fed. Cir 2022) (attached as Exhibit C).

DATED: October 7, 2022

Respectfully submitted,

MCKOOL SMITH, P.C.

By: /s/ Blair M. Jacobs
BLAIR M. JACOBS

Attorneys for Defendant Ciena Corporation

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system on October 7, 2022.

/s/ Blair M. Jacobs

Blair M. Jacobs